

Commission Issued Findings of Fact Summary Table

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Appeal #	Last Name	Dept.	Date Filed	Date Closed	Appeal Type	Summary
09-010	Castello	SFD	8/28/2009	3/1/2010	Demotion	Appeal of demotion from paramedic program for conduct toward supervisors. Discipline is comprised of a one-year absence from paramedic program. Remedy sought is that the official reprimand and demotion be vacated and the appellant be reinstated to fire fighter/paramedic; payment of lost wages; and imposition of even-handed discipline. A hearing was held on December 8 and 11, 2009. On 1/21/10 the Commission issued a Findings of Fact, Conclusions of Law, and Order dismissing the appeal with prejudice because the punishment did not constitute a demotion because the rate of pay was not affected. Additionally, the Commission stated that if they were to decide the case on its merits, the Commission would find that the Fire Department had established good faith for cause in the removal of Appellant from paramedic status. On 2/2/10 the appellant filed a motion for reconsideration. On 3/1/10 the Motion for Reconsideration was denied via an Order on Motion for Reconsideration.
09-001	Mahoney	SPD	1/7/2009	8/26/2010	Suspension	Appeal of suspension and involuntary transfer on the basis of an alleged lack of just cause for discipline. The remedy sought was for the discipline be overturned and for the appellant to be made whole. A pre-hearing conference was held on 2/13/09. A second pre-hearing conference was heard on 4/23/09. An Order on the second pre-hearing conference was issued on 4/29/09 in regard to the following issues: witnesses, discovery, and subsequent motions. A full hearing was held on May 1 and 4-5, 2009. On 7/29/09 the Commission issued a Findings of Fact, Conclusions of Law, and Order that upheld the transfer and suspension and vacated the charge of dishonesty. On 7/29/09 a Partial Dissent was also issued by one Commissioner. On 8/12/09 the Respondent's Motion for Reconsideration was filed, and the Appellant requested reconsideration for one portion of the decision. On 8/26/09 the Commission issued an Amended Findings of Fact, Conclusions of Law, and Order. On 9/02/09 the Appellant filed a Motion for Reconsideration. On 9/16/09 the Commission issued an Order on the Appellant's Second Motion for Reconsideration denying the motion due to timeliness. On 9/24/09 a Petition for Writ of Certiorari was filed in King County Superior Court (09-2-35154-6 SEA). On 4/29/10 the Court affirmed the PSCSC Findings dated 8/26/10 via an Order and issued a Memorandum Decision.

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08-007	Arata	SPD	6/26/2008	8/21/2009	Register	Appellant alleges he was passed over for promotion based on retaliation for testimony given in other legal matters. At a pre-hearing conference held on 4/17/09 two issues were agreed upon. Firstly, an agreement between the Department and the Appellant in 2005 regarding a thirty-day suspension, and, secondly, a challenge to the Department's promotional practices. A motion to dismiss was filed with the Commission on 7/2/09. A response to the Motion to Dismiss was filed on 7/20/09. The appeal was dismissed on 8/21/09 because of untimely filing and because the appellant could not, as a matter of law, prevail. An Application for Writ of Review was filed in the Superior Court of Washington State for King County on 8/31/09. The suit was withdrawn on 9/23/09.
08-006	Chin	SPD	4/10/2008	8/7/2008	Suspension	Appeal of suspension, transfer, mandatory reporting of all over-time and off-duty work. A pre-hearing conference was held on 5/15/08 and a hearing was set for July 7th and 9th 2008. The issue agreed to was whether or not there was just cause for a disciplinary transfer and fifteen-day suspension. On 7/18/08 the Commission issued a Summary Decision that reversed both the suspension and the transfer. A Findings of Fact, Conclusions of Law, and Order was issued on 8/5/08 (with one Commissioner dissenting in part) that reversed on all counts. The City filed a Writ of Review in the Superior Court of Washington State that was later withdrawn (08-2-29500-1SEA). A settlement agreement was reached by the parties on 10/15/08.
07-007	Miles	SPD	10/19/2007	11/25/2008	Discharge	Appeal of discharge from SPD due to a Snohomish County felony charge. The remedy sought by the Appellant was reinstatement. A Motion to Dismiss was filed on 6/2/08. An administrative hearing was held on 6/4/08. A Summary Decision was issued on 7/18/08. A Findings of Fact, Conclusions of Law, and Order was issued on 8/7/08 that ordered the Department to reverse the termination and reinstate the Appellant. A Dissent in Part was also issued on 8/7/08. On 11/25/08 the Commission issued a Decision Regarding Remedies and Final Order.

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07-005	Kinder	SFD	6/20/2007	4/25/2008	Discharge	Appeal of termination from SFD for an accumulation of offenses and for insubordination. A pre-hearing conference was held on 8/16/07. The issue was if there was just cause for termination from SFD. A full hearing was held on the matter on December 3-5, 2007. On 3/20/08 the Commission issued a Findings of Fact, Conclusions of Law, and Order that upheld the Department's termination of the Appellant for just cause. On 4/5/08 the Appellant asked for reconsideration on the basis of "fraud, mistake and misunderstanding of facts." In a Post-Hearing Order dated 4/25/08 the request for reconsideration was denied.
06-006	Roberson	SPD	11/3/2006	5/30/2010	Suspension	Appeal of thirty-day suspension for various sustained IIS allegations. Remedy sought was the dismissal of all charges and that the record be cleared. A pre-hearing conference was held on 2/15/07. The issue was the presence of just cause for the disciplinary suspension imposed on the Appellant. A full hearing was held on October 9-12 and 15-16 2007. The Appellant made a motion for a directed verdict at the close of the Department's case. The Department made a motion to strike portions of Roberson's post-hearing submittals. On 2/17/08 the Commission issued Orders on Motions and Findings of Fact and Conclusions of Law denying the Appellant's motion, granting the Department's Motion to Strike and reducing the thirty-day suspension to seven days because two of the three disciplinary measures were determined to be without just cause. A dissenting opinion was also issued on 2/7/08. On 3/7/08 an Application for Writ of Review was filed in the King County Superior Court by the Seattle Police Department. The remedy sought was affirmation of the decision of SPD to discipline the Appellant (08-2-08564-3-0 SEA). On 1/20/09 the KCSC issued an Order affirming the decision of the PSCSC. The decision was appealed to the Division I Court of Appeals on 2/13/09 (630245). On 5/3/10 the Court issued an opinion affirming the Commission FFCLO.
06-002	Muhammad	SPD	4/14/2006	1/24/2007	Transfer	Appeal of disciplinary transfer from detective to patrol. The remedy sought was for the sustained allegation to be found to be unsustainable and the appellant be returned to a detective position. A pre-hearing conference was held on 6/15/06. On 09/05/06 a Motion to Dismiss was filed by the Respondent. The Motion to Dismiss was heard at the regular meeting of the Commission on 9/21/06 where the motion was withdrawn. A full hearing was held on November 14-16, 2006. On 1/18/07 the Commission issued a Findings of Fact, Conclusions of Law, and Order dismissing the appeal with prejudice because the appellant had failed to meet his burden of proof.

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05-010	Powers	SPD	11/30/2005	5/21/2007	Discharge	Appeal of termination from the Seattle Police Department after eight specifications of misconduct were sustained against him. A full hearing was held on July 10-14 and 17, 2006. On 10/12/06 the Commission issued a Findings of Fact, Conclusions of Law, and Order upholding the termination for just cause. A petition for review was filed in the King County Superior Court on 11/9/06 by the appellant (06-2-35969-1 SEA). On 5/21/07 an Order Granting Motion for Judgment was issued by the United States District Court (Western District) granting the City's motion for dismissal (C06-1727RSL).
05-008	Charles	SPD	6/30/2005	2/12/2007	Transfer	Appeal of disciplinary transfer and written reprimand because, allegedly, there was not just cause for the disciplinary action taken against the appellant. The remedy sought was the overturn of the sustained findings and the appellant's reinstatement to his previously held position. The matter was discussed at the 9/15/05 meeting. A hearing was held on 4/19/06. On 5/30/06 the Commission issued a Findings of Fact, Conclusions of Law and Order that ordered the transfer be reversed and the appellant be reinstated as Sgt. of Fraud and Forgery. An application for a Writ of Review was received by the King County Superior Court on 6/29/06 petitioned by the City of Seattle Police Department (06-2-21088-3SEA). The remedy sought was the affirmation of the Chief's decision to transfer the appellant. A Writ of Review was issued on 7/13/06. On 2/12/07 an Order was issued by the Court denying the SPD's Motion seeking reversal and dismissing the case with prejudice in favor of the PSCSC.
05-007	Dunn	SPD	5/23/2005	7/13/2007	Suspension	Appeal of ten day suspension for Conduct Unbecoming an Officer. A pre-hearing conference was held on 7/21/05. The hearing was held on October 25th-26th, 2005. A Findings of Fact, Conclusions of Law, and Order was issued by the Commission on 11/30/05 reversing the ten-day suspension with one Commissioner dissenting. On 12/29/05 an Application for a Writ of Review was filed in King County Superior Court by the City of Seattle SPD (05-2-41779-OSEA). They argued that the only appropriate question before the Commission was whether the suspension was made in good faith and for just cause. The remedy sought is the affirmation of the disciplinary action. An Order of Dismissal was issued by the Superior Court on 7/13/07.

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05-002	Vela	SPD	2/17/2005	2/16/2006	Transfer	Appellant alleges involuntary transfer was disciplinary and without just cause. A pre-hearing conference was held on 10/27/05. A Motion to Dismiss received on 12/2/05. Appellant did not respond to motion to dismiss at Commission meeting held 1/19/06. Order Granting Respondent's Motion to Dismiss issued on 2/16/06
05-001	Sugges	SFD	1/5/2005	3/24/2005	Discharge	The Commission was notified of the intent to submit an appeal on 1/25/05. An Order of Dismissal was issued on 1/27/05. The appellant moved for reconsideration. An Order was issued on 3/24/05 denying the motion for reconsideration.
04-005	Basney	SPD	12/29/2004	11/8/2005	Suspension	Appeal of a thirty-day suspension. A pre-hearing conference was held at the regular Commission Meeting on 7/21/05. A Finding of Fact, Conclusions of Law and Order was issued by the Commission on 11/8/05 dropping the suspension from thirty days to five days.
04-004	Anderson	PERS	9/7/2004	10/6/2004	Rule Violation	Appeal of denial of application to Fireboat Pilot Examination alleging a violation of PSCSC Rules. A hearing was held on 9/16/04 regarding the required prior experience and the documentation of such experience. An Order issued on 10/5/04 grants the appellant eligibility to be placed on the roster to take and/or complete the examination process.
03-001	Roberson	SPD	1/7/2003	9/29/2003	Suspension	Appellant requests disciplinary suspension and transfer be vacated by the Commission. Findings and Order issued on 9/29/03 that upholds SPD decision.

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None	Stevens, Brown, Bartley, Monson, Morian, et al.	Personnel	7/19/2002	5/3/2004	Rule Violation	<p>Appeal of the decision of the Personnel Director not to post the new register for Police Sergeant due to an ongoing investigation into cheating on said exam. Appellants sought immediate posting of the new register. The appeal was addressed at the 7/24/02 Meeting. On 9/24/02 an additional appeal was filed by same appellants in regard to a letter dated 9/19/02 by the Personnel Director regarding said exam. The remedy sought was for the Commission to issue a ruling that ends the scheduled re-examination process. A Motion to Dismiss based on the 9/19/02 letter rendering the appeal moot was filed on 9/24/02. On 09/26/02 a Motion to Stay and Consolidate was filed. Also on 9/26/02 an appeal was filed by the Seattle Police Officers' Guild in protest of the 9/19/02 letter and pending re-test. On 9/30/02 a hearing was held regarding the Motion to Dismiss. On 10/2/02 appellants were notified that the Commission voted 2-1 in favor of the appellants and ordered the Personnel Director to publish the register. The Director was ordered to give notice of the cancellation of the oral exam re-test. On 10/9/02 the Minority and Majority Opinions were read into the record. Subsequently the Personnel Director issued a letter stating that the re-test would be held-off indefinitely. On 10/15/02 a Motion to Dismiss for the appeals that challenged the re-test was filed. On 10/21/02 a Motion for Reconsideration was filed by the Respondent in regard to the Order issued on 10/9/02. On 1/23/03 the Commission issued a Memorandum Decision withdrawing the 10/9/02 decision. The appeals of Stevens et al. were sustained and the Director was ordered to post the register for the 2002 examination. The appeal of Appellant Stevens and the appeal of the Seattle Police Officer's Guild was dismissed with prejudice. An Application for Writ of Review was filed in the King County Superior Court on 2/21/03 by SPOG (03-2-18769-1SEA) regarding the dismissal of their appeal. The Writ was granted on 2/24/03. The Court granted summary judgement to the City. The Guild appealed to the Division I Appellant Court (52042-3-1), who issued an opinion on 5/3/04 reversing and remanding the decision of the trial Court so that all substantive powers were transferred back to the Director.</p>

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02-001	Schmidt	SPD	6/18/2002	8/22/2005	Register	Appeal regarding promotional decisions at SPD in regard to the rank of Captain. Appellant renewed his appeal on 9/24/02. Appellant renewed his appeal on 12/20/02. An Order regarding a Motion to Dismiss Untimely Appeals was issued on 8/8/03 concluding that the filing of one of the appeals was untimely and was, therefore, dismissed. The additional objections to the promotions were timely filed and could proceed. A Findings of Fact, Conclusions of Law, and Order issued on 12/18/03 found that the appellant was not harmed by any irregularities in the certification process. The appeal was dismissed with prejudice. An application for Writ of Review was filed in King County Superior Court on 1/20/04 (04-2-01794-7SEA). The case was administratively closed on 8/22/2005.
02-002	Diaz	SFD	4/29/2002	1/23/2004	Discrimination	Claim of discrimination referred to the Seattle Office for Civil Rights and deferred pending a determination. Final Facts of Determination issued by SOCR on 4/22/03. The Commission adopted Finding of SOCR and an Order of Dismissal was issued on 1/23/2004.
None	LaBrec	SFD	8/18/2000	11/21/2007	Rule Violation	Appeal of non-promotion from the 1997 Fire Captain Register without just cause and with alleged discriminatory intent. Appeal was heard at the 8/30/00 meeting where the Commission carried a motion to have a formal hearing on the matter. Motions were heard at the 7/18/01 meeting. A status update was heard at the 12/12/01 meeting where the Commission was informed that the parties were attempting to reach a settlement agreement. At the 1/9/02 meeting it was announced that the appeal had not been settled. A hearing was held on the merits of the appeal on October 28-31 and November 4-6, 2002. A Memorandum Decision was issued by the Commission on 2/28/03 and a Minority Opinion was issued on 3/31/03. An application for a Writ of Review was filed with the Superior Court on 3/14/03 (03-2-20078-6). On 9/28/04 KCSC issued a Memorandum Decision affirming in part and remanding the issue of the age discrimination claim back to the Commission for the issuance of a findings of fact and conclusions of law. The case was appealed to the Washington State Court of Appeals on 10/26/04. The Appellant Court issued a decision on 10/30/06 sustaining the Commission's decision in all respects, reversing the Superior Court's order remanding the age discrimination claim. An Order denying a motion for reconsideration was entered on 12/13/06 and an Order denying a petition for review was entered in the Washington State Supreme Court on 10/2/07.

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None	Bernstein	SPD	4/9/1999	4/30/2001	Register	Appeal of the promotion of individuals on the register who had lower final exam grades on the Lieutenants' Exam than the appellant. A pre-hearing conference was held on 6/30/99. A hearing was held on 11/17/99. A continuance was granted until 2/2/00 where the issue was again heard at the Commission meeting. A decision was announced on 3/29/00 when a motion to sustain the actions of the SPD was carried. On 5/31/00 the majority and minority opinions were read into the record. A Motion for Reconsideration was filed on 6/2/00. At the 7/19/00 Meeting there was a 2-1 vote to deny the Motion for Reconsideration. A Petition for Judicial Review was filed in the Superior Court of Washington State on 7/25/00 (00-2-19720-9SEA). An order on the Writ of Review was filed with the Superior Court on 4/30/01.
None	Woodson	SFD	11/9/1998	7/28/1999	Suspension	Appeal of a disciplinary suspension. A hearing was scheduled for 3/23/99 during the course of a regularly scheduled meeting. The Commission carried a motion to reduce the offense to Intermediate Insubordination and to reduce the penalty to thirty demerits and sixty days probation, with one Commissioner dissenting. Opinions were signed on 4/7/99. The Fire Chief advised the Commission that SFD no longer used demerits and proposed a written reprimand in lieu of demerits. The Commission placed the item back on the 7/28/99 agenda and passed a motion to revise the discipline to an official reprimand.
None	Boling	SPD	7/28/1998	5/26/2000	Discharge	Appeal of discharge from SPD. Appellant alleges termination was based on facts other than work performance. An additional letter of appeal was received 11/30/98 after SPOG declined to pursue his termination. A pre-hearing conference was held on 3/31/99. The matter was discussed at the 5/3/99 meeting. A hearing was held 06/28/99 through 7/02/99. A decision was made at the 08/11/99 Commission Meeting and the Commission issued a Findings of Fact, Conclusions of Law, and Order that the appellant be restored to duty and be made whole from his initial date of termination. On 8/26/99 a motion for reconsideration was filed with the Commission and an application for Writ of Review was filed in the Superior Court of Washington State. At the 9/2/99 Commission Meeting the Commissioners denied the City's Motion for Reconsideration. A Writ of Review was granted by the Superior Court on 10/12/99. The Superior Court reversed the decision of the Commission.

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None	Casper	SFD	7/16/1992	3/23/1993	Suspension	Appeal of a one-shift suspension for insubordination (emergency conditions - minor). Appellant claims illness at the time of the incident affected his behavior. The Commission sustained the suspension in the Findings issued 2/10/93.
None	Haakensen	SPD	3/27/1991	5/23/1991	Probationary Status	Appeal of discharge from SPD. Appellant was a probationary employee at time of discharge. Discharge was affirmed by the Commission via a Findings of Fact, Conclusions of Law, and Order issued on 5/23/91.
None	Hallmon	SFD	11/13/1990	5/29/1992	Suspension	Appeal of a one-shift suspension after a tillering incident. Appellant contended that he had not been properly trained. The Commission issued a Findings of Fact, Conclusions of Law, and Order on 1/8/91 amending the suspension to sixty demerits and one year probation. Additionally, the Commission recommended to the Department that formal training and certification programs be established for fire equipment apparatus.
None	Malkow	SPD	11/3/1990	1/9/1991	Probationary Status	Appeal of discharge from SPD. A hearing was held on 12/10/90. In a Findings of Fact, Conclusions of Law, and Order issued by the Commission on 1/8/91 the discharge was sustained. The appellant was found to be a probationary employee.
None	Gayles	SPD	5/2/1990	11/5/1992	Discharge	Appeal of termination from SPD. The appellant alleges a pattern of harassment and disparate treatment and contends that the discipline imposed was too severe. Hearings were held on September 21, 22, 24, 25 and October 7, 1992. On 11/5/92 the Commission issued a Findings of Fact, Conclusions of Law, and Order affirming the order of discharge.

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None	Fletcher	SFD	4/12/1990	7/21/1994	Discharge	Appeal of discharge for violation of operating instructions, false statements, misrepresentation, deceit, concealment and violations of Civil Service rules. The Commission found good cause for discipline, but amended the discharge action to a suspension with restoration to duty after certification that the appellant was fit for duty. The appellant appealed the decision to the Superior Court. The Court remanded the matter back to the Commission due to exceeded statutory authority. Through a Findings of Fact, Conclusions of Law, and Order issued on 11/10/93 the Commission ordered the appellant restored to firefighter without back pay. A motion for reconsideration was heard at the 12/1/93 meeting. The matter was again discussed at the 2/9/94, 3/16/94, and 4/21/94 meetings. At the 5/19/94 meeting, it was announced that the appellant and the Department would be signing a settlement agreement. On 7/21/94 the matter was withdrawn after a settlement agreement was reached.
None	Gayles	SPD	Unknown	4/11/1991	Suspension	Appeal of two disciplinary actions by SPD heard on 1/9/91 and continued on 1/17/91 and 2/27/91 and 3/22/91. Appeals were for two separate thirty day suspensions. The Commission affirmed the suspensions in both instances in two Findings of Fact issued on 4/11/91.
None	Drury	SPD	11/30/1989	5/18/1990	Discharge	Appeal of dismissal from SPD for misuse of authority, violations of rules/regulations and violation of law after being tried and found guilty of assault. The Commission determined that the discipline received was inconsistent and not proportionate. The appellant was reinstated as a probationary employee by the Commission via a Findings issued on 5/18/90.
None	Gribble	SFD	2/16/1989	5/10/1989	Discharge	Appeal of dismissal from SFD as a result of a felony conviction. On 3/6/89 the Commission received notice of a suit filed in the Superior Court of Washington (Gribble v. City et al). On 5/3/89 the Commission received a request for the indefinite postponement of the appeal until the exhaustion of the judicial appeals process by the appellant. The Commission issued a Findings of Fact, Conclusions of Law and Order on 5/10/89 discharging the matter, but reserving the right to re-open the issue if the convictions against the appellant were overturned.

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None	Pillon	SPD	2/25/1988	6/11/1905	Discharge	Appeal of discharge from SPD citing denial of due process and discriminatory and unfair treatment. A hearing was held in March and April 1988. The order of discharge was affirmed by a Findings of Fact, Conclusions of Law, and Order issued by the Commission on 7/20/88. An Opinion Concurring in Part and Dissenting in Part was issued on 7/20/88. On 12/1/88 a Writ of Review was issued by the Superior Court of Washington State (88-2-14810-4).
None	Ford	SFD	12/24/1986	4/14/1987	Suspension	Appeal of one-day suspension imposed as a result of sustained charges of disorderly conduct (major) heard by the Commission on 3/23/87. The suspension was sustained via a Findings of Fact, Conclusions of Law, and Order signed on 4/14/87.
None	Kraft	SFD	12/22/1986	1/28/1987	Discharge	Appeal of dismissal from SFD heard at the 1/29/87 meeting. The Commission sustained the dismissal after it was determined that the appellant was a probationary employee.